



DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES

Policy No.: DOC 3.4.2	Subject: PROHIBITED ACTS
Chapter 3: INSTITUTIONAL OPERATIONS	Page 1 of 4
Section 4: Rules And Discipline	Revision Date: July 10, 2000
Signature: /s/ Rick Day, Director	Effective Date: Jan. 4, 1996

I. POLICY:

It is the policy of the Department of Corrections to maintain a listing of the general categories of behavior which are prohibited by inmates in the Department's adult institutions and to make that information readily available so that all concerned will be aware of the limits placed on inmate conduct.

II. AUTHORITY:

2-15-112, MCA. Duties and Powers of Department Heads

53-1-203, MCA. Powers and Duties of Department of Corrections

III. DEFINITIONS:

None

IV. PROCEDURES:

In order to establish a firm foundation for inmate conduct and the institutional discipline process, it is necessary to describe the kinds of behavior prohibited within the Department's adult institutions.

A. Prohibited Acts

While it is impossible to define every possible prohibited act or rule violation, the following are strictly prohibited in all the Department's adult institutions:

1. Committing homicide
2. Assaulting any person
3. Threats of bodily harm or death to any person

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4. Escape, attempting to escape, planning to escape or leaving the institution without permission.
5. Rioting or encouraging others to riot or cause a disturbance
6. Possession or introduction of a gun, ammunition, explosives or other weapons
7. Taking hostages
8. Intentionally setting a fire
9. Fighting with another person(s)
10. Engaging in sexual acts, making sexual proposals or threats, indecent exposure
11. Possession, introduction or use of any narcotic, narcotic paraphernalia, drugs or intoxicants
12. Assault with intent, or likelihood to transmit a communicable disease
13. Possession of dangerous contraband
14. Extortion, blackmail, protection, demanding or receiving anything of value in return for protection against others, to avoid bodily harm, or under threat of informing
15. Interfering with a staff member in the performance of duties
16. Conduct which disrupts or interferes with the security or orderly running of the institution, housing unit or work place
17. Destroying, altering or damaging facility property or the property of another person
18. Theft or possession of stolen property
19. Counterfeiting, forging, possession or unauthorized reproduction of any signature, document, article of identification, money, security or official papers
20. Violating a condition of furlough, pass, or any other conditional or temporary release
21. Refusing to work, report to work, or accept a program assignment
22. Loaning of property or possession of property belonging to another person or the government or loaning of property or anything of value for profit or increased return
23. Gambling

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24. Being in an unauthorized area
25. Failure to abide by the conditions of a disciplinary disposition
26. Refusing to obey an order of any staff member
27. Interfering with due process
28. Misuse of authorized medication
29. Unauthorized possession of money or currency
30. Encouraging, facilitating, attempting to commit, being an accomplice or a conspirator in the commission of any prohibited act
31. Lying or providing a false statement to a staff member
32. Inappropriate conduct with a visitor
33. Failure to follow safety or sanitation regulation, being unsanitary or failing to keep ones person or quarters in accordance with facility standards
34. Unauthorized communication
35. Insolence or the use of abusive language toward a staff member
36. Smoking or using tobacco products or paraphernalia
37. Conducting unauthorized business
38. Loan sharking
39. Fraudulent claims for medical care, malingering or feigning an illness
40. Refusing to provide a urine or breath sample
41. Failing to report as directed
42. Giving or offering any official or staff member a bribe or anything of value
43. Violation of any municipal, county, state or federal law
44. Failing to stand count, late return, or interfering with taking of count
45. Use of abusive language
46. Participating in an unauthorized meeting or gathering
47. Violation of any other facility rule

B. Supplementary Acts or Rule Violations

Institutions desiring to list supplementary prohibited acts or rule violations in their operational Prohibited Acts policy should review the acts or rule violations with the

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Department's legal counsel to assure compliance with statutory and case law requirements.

C. Categorization of Offenses

Institutions may list offenses into severe, major and minor categories. Severe offenses will be considered perilous and will not be resolved informally. At the discretion of staff, any other act may also be referred for formal disciplinary proceedings.

D. Inmate Advisement

Staff will assist inmates in understanding the rules when necessary. Inmates will sign a form indicating that they have received this information. Copies of the list of prohibited acts will be posted in each living area in all institutions.

V. CLOSING:

Questions concerning this policy shall be referred to the Warden or Superintendent of the facility/program or to Department legal personnel.